

REMARKS

Applicants have thoroughly considered the April 27, 2007 Final Office action and respectfully request reconsideration of the application as amended. By this Amendment B, claims 1, 19, and 31 have been amended to further clarify the invention. Claims 1-47 are presented in the application for further examination. **As such, Applicants submit that this Amendment B raises no new issues that would require further search and raises no issue of new matter. Rather, this Amendment B places the application in better form for appeal by materially reducing or simplifying the issues for appeal.** Applicants respectfully request that favorable reconsideration of the application in light of the following remarks and the Examiner is invited and encouraged to telephone the undersigned to discuss making an Examiner's amendment to place the claims in condition for allowance if necessary.

Applicants acknowledge the Office's withdrawal of the objection to the specification and the rejection of claims 19-30 under 35 U.S.C. §101.

Claim Rejection – 35 U.S.C. §103

Claims 1-12, 14, 18-28, 30-41, 43 and 47 stand rejected under 35 U.S.C. §103(a) as being anticipated by US Patent No. 6,694,320 by Ortiz et al in view of US Publication No. 2004/0204946 by Alger et al. Applicants submit that the combined references of Ortiz and Alger fail to disclose or suggest each and every element of the invention.

Amended claim 1 recites, in part, “assigning a namespace to each of a plurality of resource files, said resource files each containing one or more branding resources **stored on the computer...**; searching the called group of resource files **on the computer** for one or more of the branding resources to be installed in the software product.”

Embodiments of the invention enhance and simplify management of branding of software products by encapsulating branding information into a single branding component having one or more branding resource files on a computer where the software products are installed. As such, all of the branding resource files need not to be installed or applied to a software product; only the branding resources needed for the specified or particular software products are installed. See Application, paragraph 40 and FIG. 1.

To the contrary, the combined references of Ortiz and Alger teach away from embodiments of at least searching the called group of resource files **on the computer itself**. In

fact, Alger specifically discloses that the branding information is **delivered to** the client computer in response to the merchant or publisher “receiving coded information indicating that the consumer has purchased the software 201.” (Alger, paragraph 0041). (See also Alger, FIGS. 5A to 5E). In other words, based at least on the disclosure of the paragraph [0041], the “merchant 502B (or alternatively, the publisher 501 or an authorized third party) may also deliver the branding information 204B to the consumer 503. After the generic software 201 has been installed on the consumer’s computer, the software 201 will then locate and use the branding information 204B so that the use of the software 201 evokes an association with the merchant 502B.” Id. The branding information is not stored on the computer where the software is installed. The information is delivered to the computer at a later time.

Other embodiments of Alger may also include the software package 202 with the branding information 204, (i.e., the specific merchant/publisher information), by creating either several copies of the software package 202, each including particular branding information, or a generic software 201 without any branding information until after receiving the information that the consumer has purchased the software 201. (Alger, paragraphs 0034-0040). These embodiments may, at first glance, appear to be desirable; however, the need to create several individual copies of the software with different branding information is inefficient and requires unnecessary storage spaces. In addition, in the event that the publisher/merchant fails to receive information that the consumer has purchased the software, the software 201 would remain as generic software without any branding information.

Embodiments of the invention enhance user experience and management of branding software products by including information into a single branding component having one or more branding resource files **on a computer** where the software products are installed. Embodiments of the invention have advantages over Ortiz individually, which discloses one file including “**all branding data in a single central location**” (emphasis added) (Ortiz, col. 3, lines 23-25). Claimed invention is also distinct from Alger, individually and in combination with Ortiz because the branding information is immediate; there is no need to wait for a triggering event (i.e., sending sales information to the merchant/publisher and receiving branding information to the local computer where the software is to be installed).

Because Applicants submit that the Office fails to establish the *prima facie* elements of an obviousness rejection, Applicants submit that the amended claim 1 is patentable over the cited

art. Claims 2-12, 14 and 18 depend from claim 1 and are also patentable over the cited art. Therefore, the rejection of 1-12, 14, and 18 under 35 U.S.C. §103(a) should be withdrawn.

Similarly, amended claim 19 recites computer-readable storage media comprising, in part, “a plurality of resource files **centrally stored on a computer**, said resource files each containing one or more branding resources and having a namespace assigned thereto, said resource files further being grouped according to the assigned namespaces; and a branding engine **on the computer** for calling a group of resource files **stored on the computer**.” Because the combined references of Ortiz and Alger fail to disclose each and every element of the invention for at least the reasons above, Applicants submit that the Office fails to establish the *prima facie* elements of an obviousness rejection. Hence, claim 19, as well as dependent claims 20-28 and 30, are patentable over the cited art. Therefore, the rejection of claims 19-28 and 30 under 35 U.S.C. §103(a) should be withdrawn.

Also, amended claim 31 recites, in part, “searching each of the called resource files **on the computer** for one or more of the branding resources to be installed in the software product based on the embedded metadata; and installing each of the called resource files **on the computer** containing the one or more branding resources in the software product in response to the searching.” Because of the specific teachings of Alger from paragraphs 0034 to 0041, Applicants submit that the Office fails to establish the *prima facie* elements of an obviousness rejection for at least the reasons above. Therefore, claim 31 as amended is patentable over the cited art. Claims 32-41, 43, and 47 depend from claim 31 and add additional features to claim 31. Hence, dependent claims 32-41, 43 and 47 are also patentable. Applicants thus request the rejection of claims 31-41, 43 and 47 under 35 U.S.C. §103(a) be withdrawn.

Claim Rejections – 35 U.S.C. §103

Claims 13, 15, 16, 17, 29, 42, 44, 45, and 46 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ortiz in view of US Publication No. 2003/0195921 by Becker et al. Applicants submit that the combined references fail to disclose or suggest each and every element of the invention. The Becker reference fails to cure the deficiencies of Ortiz in that Becker’s “system and method for configurable software provisioning” is irrelevant to branding of software products. In fact, even with Becker’s disclosures about extensible markup language

(XML), componentized software model, and binary files identifying one or more dependencies, the combined references continue to disclose or suggest **one file including all branding data**. Such disclosure teaches away from embodiments of the invention of one or more branding resources files. Furthermore, contrary to the Office's assertion on pages 19 and 20 of the Office action, Becker fails to discuss or suggest "selected namespace corresponding to a specific brand" and "specifying the selected namespace includes specifying another namespace corresponding to a different specific brand to modify the branding of the software product," respectively.

Paragraph 66 of Becker merely discloses how the element "ChangeRegistryKey," "CheckDependency" element, or other elements work. Therefore, Applicants submit that the Office fails to establish the *prima facie* elements of an obviousness rejection under 35 U.S.C. §103(a). Hence, for at least the reasons above, the rejection of claims 13, 15, 16, 17, 29, 42, 44, 45, and 46 should be withdrawn.

Claims 13, 15, 16, 17, 20-30, 42, 44, 45, and 46 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ortiz in view of Alger and further in view of US Patent Publication No. 2003/0195921, by Becker et al. Applicants submit that because Becker fails to cure the deficiencies of Ortiz and Alger, Applicants submit that the Office fails to establish the *prima facie* elements of an obviousness rejection. Hence, for at least the reasons above, claims 13, 15, 16, 17, 20-30, 42, 44, 45, and 46 are patentable over the cited art. Therefore, the rejection of claims 13, 15, 16, 17, 20-30, 42, 44, 45, and 46 under 35 U.S.C. §103(a) should be withdrawn.

In view of the foregoing, Applicant submits that independent claims 1, 19, and 31 are allowable over the cited art. The claims depending from these claims are believed to be allowable for at least the same reasons as the independent claims from which they depend.

It is felt that a full and complete response has been made to the Office action and, as such, places the application in condition for allowance. Such allowance is hereby respectfully requested. Although the prior art made of record and not relied upon may be considered pertinent to the disclosure, none of these references anticipates or makes obvious the recited invention. The fact that the Applicant may not have specifically traversed any particular assertion by the Office should not be construed as indicating Applicants' agreement therewith.

The Applicant wishes to expedite prosecution of this application. If the Examiner deems the application as amended to not be in condition for allowance, the Examiner is

invited and encouraged to telephone the undersigned to discuss making an Examiner's amendment to place the application in condition for allowance.

The Commissioner is hereby authorized to charge any deficiency or overpayment of any required fee during the entire pendency of this application to Deposit Account No. 19-1345.

Respectfully submitted,

/TAN-CHI YUAN/

Tan-Chi Yuan, Limited Recognition, No. L0113
SENNIGER POWERS
One Metropolitan Square, 16th Floor
St. Louis, Missouri 63102
(314) 231-5400

RMB/ATY/tmg